

# The Supreme Court of South Carolina

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June 12, 2014

James B. Curry, #186737  
Lee Correctional Institution  
990 Wisacky Highway  
Bishopville SC 29010

Re: James B. Curry v. State  
Appellate Case No. 2014-000577

Dear Mr. Curry:

This responds to your correspondence dated June 5, 2014. I thank you for clarifying that your motion to void order was directed at the order issued by the court of common pleas in the above case.

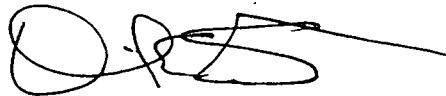
No action will be taken on your motion to compel for two reasons.

First, you have not provided proof of service showing that a copy of your motion to compel has been served on opposing counsel as required by Rule 240 of the South Carolina Appellate Court Rules (SCACR). This Court cannot act on *ex parte* communications.

Second, with the service of the notice of appeal in this matter, this Court has had exclusive jurisdiction over this case, and this exclusive jurisdiction will not end until the remittitur is sent to the circuit court. Rule 205, SCACR. Further, I can find no record that this Court has granted you leave to make the motion to void in the circuit court. Rule 60 of the South Carolina Rules of Civil Procedure ("During

the pendency of an appeal; leave to make the motion must be obtained from the appellate court.") In short, without leave from this Court, the circuit court cannot consider your motion to void or your requests for an investigation or a hearing in support of that motion.

Very truly yours,

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

CLERK

cc: Suzanne H. White, Esquire  
The Honorable Sue K. Carpenter